

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
WESTERN DIVISION

BENYEHUDAH WHITFIELD,  
Plaintiff;

V.

DENISE A. MCCAFFREY (Circuit  
Court Clerk of Lee County, Illinois)  
And The CIRCUIT COURT OF LEE  
COUNTY, ILLINOIS,  
Defendants.

Case No. 08 C 5 0 0 2 7

*Judge Reinhard*

**RECEIVED**

FEB 25 2008

MICHAEL W. DOBBINS  
CLERK, U. S. DISTRICT COURT

COMPLAINT

NOW COMES the Plaintiff, BENYEHUDAH WHITFIELD, pro se,  
and in support states the following:

NATURE OF ACTION, JURISDICTION AND VENUE

1. This action arises under the First Amendment of the United States Constitution; the Fourteenth Amendment of the United States Constitution; 42 U.S.C. § 1983; and includes pendent party state-law claims of negligence; Intentional Infliction of Emotional Distress; and respondeat Superior.

2. This Court has jurisdiction over all Federal Claims alleged in this action pursuant to the Civil Rights Act(s) of 1964 and 1968; 28 U.S.C. §§ 1331 and 1343(3). This Court also has authority to exercise jurisdiction over all State Claims alleged in this action pursuant to 28 U.S.C. § 1367(a).

3. The acts alleged in this Complaint were committed by an official / officials who at all times material to this matter was / were acting under the color of law while employed at the Circuit Court of Lee County, Illinois, in the City of <sup>Dixon</sup> ~~Rockford~~, Illinois. Therefore, venue is proper in this United States District Court for the Northern District of Illinois, Western Division.

### PARTIES

4. The plaintiff, BENYEHUDAH WHITFIELD, is a citizen of the United States of America; who at all times material to this matter was an inmate of the Illinois Department of Corrections.

5. The defendant, DENISE A. MCCAFFREY, at all times material to this matter was acting under the color of law as the Clerk of the Circuit Court of Lee County, Illinois; and is being named in her individual capacity.

6 The defendant, CIRCUIT COURT OF LEE COUNTY, ILLINOIS, is a municipal unit of Lee County, Illinois, located at 309 S. Galena Ave., Dixon, IL. 61021.

### STATEMENT OF FACTS AND CLAIMS

7. On August 15, 2003, the plaintiff mailed to the Circuit Court of Lee County, Illinois his mandamus petition, and his petition seeking leave to file; and also included his "Application to Sue or Defend as a Poor Person" and supporting Affidavit as an attestation of his indigent status.<sup>1</sup> See Exhibit 6 attached hereto; which is a copy of the "Application...".

8. Between September 21 and 24, 2007, the plaintiff submitted to the Circuit Court a statement of his financial status and/or activities; which Defendant McCaffrey had previously requested; and later used to assess the plaintiff's initial Filing Fee (of 13.06). See Exhibit 6A attached hereto.

9. On September 29, 2003, the plaintiff received from Defendant McCaffrey ("Ms. McCaffrey") a September 23, 2003 letter

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<sup>1</sup> As much as the plaintiff would like, he cannot include a copy of the Affidavit he submitted with his "Application..." because Ms. McCaffrey did not return it to him when she returned all of his other documents (unfiled). *Infra*, p. 6 ¶ 18.

advising him of the (\$13.06) initial Filing Fee he was required to pay before he would be allowed to proceed with his petition(s).

10. After receiving Ms. McCaffrey's September 23, 2003 correspondence, the plaintiff sent her a response advising her that he had no money in his trust fund account; and requested that the court direct the facility who had custody of the plaintiff to deduct whatever fee he was required to pay from his account when the funds became available.

11. After receiving no response from Ms. McCaffrey, or the Circuit Court, the plaintiff mailed a November 4, 2003 correspondence in which he requested status information on his case.

12. After receiving no response to his November 4, 2003 correspondence, the plaintiff mailed to the court another mandamus petition, with a petition seeking leave to file, around January 20, 2004; in which he set forth the same claim as that which he set forth in his first petition(s).

13. The plaintiff included with his January 20, 2004 petition(s) another "Application to Sue or Defend as a Poor Person", supporting affidavit, and a copy of his trust fund statement. See

Exhibit 7 attached hereto, which is a copy of the "Application to Sue or Defend as a Poor Person"<sup>2</sup> the plaintiff included with his January, 2004 petitions.

14. On March 21, 2004, the plaintiff received (from Ms. McCaffrey) a March 12, 2004 correspondence advising him that his petition had not been filed because he had not paid the \$13.06 initial filing fee. *Ante*, pp. 3-4 ¶ 9. Attached hereto (as Exhibit 2) is a copy of Ms. McCaffrey's March 12, 2004 correspondence.<sup>3</sup>

15. On March 22, 2004, the plaintiff responded to Ms. McCaffrey's March 12, 2004 correspondence, and set forth (in detail) every effort he had previously made (since receiving Ms. McCaffrey's September 28, 2003 correspondence) to prove his indigent status; and/or that he had no funds in his account to pay the ~~initia~~ \$13.06 initial filing fee he was advised he had to pay; and requested that the Court direct the Facility/Officials who had custody of him to deduct funds from his account whenever funds became available (as a means of collecting the fee(s)). Attached hereto (as Exhibit 3) is a copy of the plaintiff's March 22, 2004 correspondence.

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<sup>2</sup>As with the affidavit included with the first "Application...", the second affidavit sent with this "Application..." was not returned either. Just for the record, both original "Applications" were attached as exhibits to the "Plaintiff's Rule 60(b)(1) and (6) Motion to Vacate" the plaintiff just recently submitted/filed regarding *Whitfield v. McCaffrey, et al.*, No. 06C50138.

<sup>3</sup>This correspondence, along with Exhibits 1, 4 and 5, all have the plaintiff's signature at the bottom of the document(s).

16. On February 9, 2006, nearly 2 years after not receiving anything from the Circuit court, or Ms. McCaffrey, regarding this matter, the Plaintiff received a January 25, 2006 Correspondence from Ms. McCaffrey advising the plaintiff (again) of the (\$13.06) initial Filing Fee he was required to pay before he would be allowed to proceed with his petitions. The correspondence further advised the plaintiff that his petitions would be returned to him if he did not respond within 30 days. Attached hereto is a copy of Ms. McCaffrey's January 25, 2006 Correspondence, Exhibit 4.

17. Because the plaintiff's Financial status had become worse than what it was when he first filed his petitions (on August 15, 2003, he believed that advising Ms. McCaffrey of the fact that he was still unable to pay the (\$13.06) initial Filing Fee would avail nothing. So, he chose not to respond to Ms. McCaffrey's January 25, 2006 Correspondence.

18. On February 27, 2006, Ms. McCaffrey returned (unfiled) nearly every document the plaintiff had mailed to the Circuit Court; and not one of the documents had been stamped "RECEIVED" by the clerk's office. Attached hereto as Exhibit 5 is a copy of the February 27, 2006 Correspondence Ms. McCaffrey included with the documents she returned.

19. On two separate occasions the plaintiff submitted "Application[is] to Sue or Defend as a Poor Person," copies of his trust fund statement; and supporting affidavits to substantiate his indigent status, and his inability to pay the (\$13.06) initial filing fee. *Ante*, pp. 3 and 5-6 ¶¶ 8 and 13; and Exhibits 6 and 7.

20. Defendant McCaffrey violated the plaintiff's First Amendment right to have meaningful access to the court.

21. Defendant McCaffrey violated the plaintiff's Fourteenth Amendment right to due process and equal protection by refusing to allow the plaintiff to proceed with his mandamus complaints, because of his indigent status.

22. Defendant McCaffrey acted with negligence by failing to proceed with the plaintiff's mandamus complaint as she was required.

23. Defendant McCaffrey conducted herself in the manner she did without any regard for the emotional and/or psychological ramifications her conduct would and did subject the plaintiff to.

24. The Circuit Court of Lee County, Illinois at all times material to this matter employed Defendant McCaffrey and is

(therefore) liable for her conduct under the doctrine of *respondeat Superior*.

### RELIEF SAUGHT

25. As the result of the injuries (including, but not limited to, the emotional and psychological pain and suffering) the plaintiff has suffered as the result of Ms. McCaffrey's actions/inactions, the plaintiff seeks compensatory and punitive damages in the amount of ONE MILLION AMERICAN DOLLARS (\$1,000,000).

26. The plaintiff seeks the reimbursement of costs for pursuing this matter.

27. The plaintiff is open to begin settlement negotiations as soon as possible.

### MISCELLANEOUS INFORMATION

28. This matter was previously before this Court, but was dismissed on February 27, 2007; and judgment entered on March 5, 2007. See *Whitfield v. Circuit Court of Lee County, Illinois, et al.*, No: 06 C 50138. On February 4, 2008, the plaintiff filed a motion to vacate the judgment of the (above) case. Because this (present) case must be filed,



or refiled, before the expiration OF the statute OF limitation (or by February 27, 2008 or March 5, 2008); and the Court will not likely rule on the plaintiff's motion to vacate its judgment regarding the (above) previous case before the statute of limitation expires to refile this present case, the plaintiff submits this Complaint to be filed at this time; and, if the Court grants the plaintiff's motion to vacate judgment in the (above) former case, the plaintiff will move for an involuntary dismissal OF this (present) Complaint.

29. Attached with this Complaint is a letter to the Court/Clerk regarding the plaintiff's wish to proceed IFP with this present Complaint.

Pursuant to 28 U.S.C. § 1746, 18 U.S.C. § 1621 or 735 ILC § 5/1-109, I, BENYEHUDAH WHITFIELD, hereby Certify and/or declare under the penalty OF perjury that I am the plaintiff OF the above matter; that I personally drafted the foregoing Complaint; and that all facts and information set forth therein/herein is true and correct to the best OF my knowledge and belief. And, if called to testify regarding any OF the foregoing information, I can and will do so as competently as I possibly can.

Date: February 20, 2008

/s/ BenYehudah Whitfield  
 BenYehudah Whitfield, pro se  
 IDOC # N74277  
 Pontiac Correctional Center  
 700 West Lincoln Street  
 P. O. Box 99  
 Pontiac, Illinois 61764

Denise A. McCaffrey  
Clerk of the Circuit Court  
Fifteenth Judicial Circuit  
Lee County Courts Building  
309 S. Galena Avenue  
P.O. Box 326  
Dixon, IL 61021  
815/284-5234

September 23, 2003

Mr. Ben Whitfield N-74277  
Dixon Correctional Center  
Dixon, IL 61021

Dear Mr. Whitfield,

Under Administrative Rule 97-2 of the Circuit Court of the Fifteenth Judicial Circuit you are required to pay a filing fee.

The filing fee is one-half of a prisoners average monthly income in a six month period to determine this amount you:

1. Total all income for the past 6 months;
2. Divide that total by 6 (this is the average monthly income);
3. Divide the figure you reached in step 2 by 2. This is your filing fee.

The filing fee in your case is \$13.06

If you have any questions please feel free to contact us.

Sincerely,

Denise A. McCaffrey

Enclosed:  
DAM/aw

*Benjamin Whitfield*

EXHIBIT  
1

Denise A. McCaffrey  
Clerk Of The Circuit Court  
309 South Galena Avenue  
PO Box 325  
Dixon, Illinois 61021  
(815) 284-5234

March 12, 2004

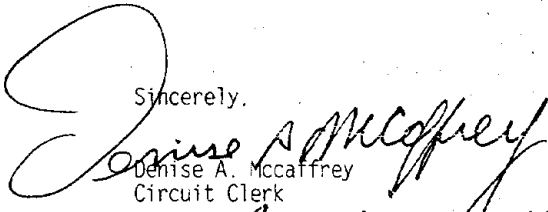
Mr. Ben Whitfield N-74277  
P.O. Box 1200  
Dixon, IL 61021

Dear Mr. Whitfield,

We have not filed a case for you yet cause we are still waiting for a check from you in the amount of \$13.06. Until we receive your check we are holding all paperwork. if your financial situation has changed then you need to resubmit a six month inmate trust fund printout.

If you have any questions please feel free to contact us.

Sincerely,

  
Denise A. McCaffrey  
Circuit Clerk

By: 

DAM/aw



EXHIBIT

2

March 22, 2004

Circuit Court of Lee County, Illinois,  
Fifteenth Judicial Circuit Court / Law Div.  
309 South Galena Ave., P.O. Box 325  
Dixon, Illinois 61021

Dear Clerk,

This letter is in response to your letter I received today, dated March 12, 2004, and a copy of which I've enclosed with this response.

First, on Aug. 20, 2003 I received a letter from you, requesting a copy of my inmate Trust Fund account, so the Clerk's Office could determine how much my fee would be in order for my petition to proceed.

On Aug. 26, 2003 I sent a copy of my Trust Fund account, and on Sep. 29, 2003 I received a letter from you, informing me that I needed to pay a \$13.06 fee in order for my petition to proceed.

On Oct. 2, 2003 I responded to your letter and explained that at that time I had no money in my account to pay the fee. Nevertheless, I asked the Court to allow my petition to proceed without the payment, but to advise the facility I was in to deduct the Court's fee from my account when funds became available.

On Nov. 4, 2003, after not receiving any response from the

Defendants, The Court of The Clerk's Office, I wrote you a letter and requested that you inform me of what the status of my case was, but I received no response.

After not receiving a response to my Nov. 4, 2003 letter to you, I filed another Petition of Mandamus, on Jan. 20, 2004, which addressed the same issues as those that I addressed in the Aug. 15, 2003 Mandamus, and I included with the petition a new application to proceed as a poor person and an up-dated printout of my Trust Fund account.

On Feb. 29, 2004, after not receiving a response from the Court, The Clerk's Office or The Defendants regarding the Jan. 20, 2004 Mandamus, I wrote the Court and requested that the Court find The Defendants in default.

Now, today I receive a letter from your Office, informing me of the \$13.00 fee I was told I had to pay in Sep. of 2003, regarding the first petition I filed, but your letter says nothing about the Oct. 2, 2003 letter I wrote, requesting that since I had no money in my account to allow my petition to proceed, but to advise the facility I was in to deduct the fee that I owed from my account when funds became available; your letter says nothing about the Nov. 4, 2003 letter I wrote you, requesting the status of my case; and your letter says nothing about the Jan. 20, 2004 Mandamus I filed which, again, included a new printout of my Trust Fund account, and the new printout showed that for the previous 6 months I had

received NO income

Enclosed with this response, along with a copy of your March 12, 2004 letter, is another printout of my Trust Fund Account, dating from July 11, 2003 to March 1, 2004, which shows I have no funds in my account at this time.

If the Court still insists that I have to pay the \$13.06 fee I was told I had to pay in Sep. of 2003, disregarding the Jan. 20, 2004 Mandamus I filed, since I received no response to my first Mandamus, and if the Court still insists that I have to pay \$13.06, disregarding the fact that along with the Jan. 20, 2004 Mandamus I filed I included a new Application to Proceed as a Poor Person and an updated printout of my Trust Fund Account, which showed for the previous 6 months I had received no income, then, as I requested in my Aug. 26, 2003 letter, I again request that since I have no money in my account at this time that the Court allow my petition to proceed, and advise the facility that I'm in to deduct funds from my account when funds become available.

Be advised that due to the fact that I'm only allowed to receive a printout of my Trust Fund Account once a month, I can't send you a statement that goes beyond March 1, 2004, because I received the enclosed printout on March 1, 2004, so I cannot get another one until after April 1, 2004.

I would also like to inform the Court that I'm including

With This letter a Supplemented request To The Mandamus I Filed, Which The Court Can either include With The Aug. 15, 2003 Mandamus Or The Jan. 20, 2004 Mandamus.

I hope This response, which includes The documents Stated in This response, is Sufficient, And I hope The Court Will permit me To proceed With This as requested.

Sincerely  
BenYehudah Whitfield March 22, 2004  
BenYehudah Whitfield, pro se.

BenYehudah Whitfield N742577  
P.O. Box 99  
Poniac, IL 6017604

Denise A. McCaffrey  
Clerk of the Circuit Court  
Fifteenth Judicial Circuit  
Lee County Courts Building  
309 S. Galena Avenue  
P.O. Box 326  
Dixon, IL 61021  
815/284-5234

January 25, 2006

Mr. Benyhudah Whitfield N-74277  
Dixon Correctional Center  
2600 N. Brinton Ave  
Dixon, IL 61021

Dear Mr. Whitfield

Under Administrative Rule 97-2 of the Circuit Court of the Fifteenth Judicial Circuit you are required to pay a filing fee.

The filing fee is one-half of a prisoners average monthly income in a six month period to determine this amount you:

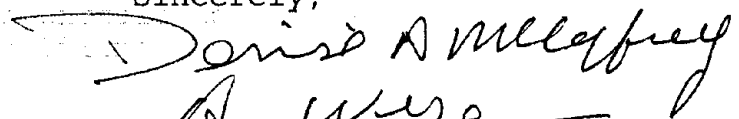
1. Total all income for the past 6 months;
2. Divide that total by 6 (this is the average monthly income);
3. Divide the figure you reached in step 2 by 2. This is your filing fee.

The filing fee in your case is \$13.06

If you have any questions please feel free to contact us.

You have 30 days to respond to this letter or your petition will be mailed back to you.

Sincerely,

  
Denise A. McCaffrey

Enclosed:  
DAM/aw



EXHIBIT

4



Denise A. McCaffrey  
Clerk Of The Circuit Court  
309 South Galena Avenue  
PO Box 325  
Dixon, Illinois 61021  
(815) 284-5234

February 27, 2006

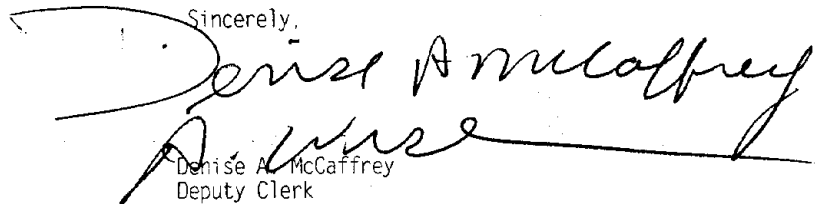
Mr. Benyhudah Whitfield N-74277  
2600 North Brinton Ave  
Dixon, IL 61021

Dear Mr. Whitfield

Since we have not received your filing fee in the amount of \$13.06  
we are mailing back your Petition. You were given till Feb. 23, 2006  
to submit that filing fee amount.

If you have any questions please feel free to contact us.

Sincerely,



Denise A. McCaffrey  
Deputy Clerk

DAM/aw

Benyhudah Whitfield

EXHIBIT  
5

Benyethudah Whitfield,  
Petitioner,

v.  
Roger E. Walker Jr.  
Respondent.

No. \_\_\_\_\_

### APPLICATION TO SUE OR DEFEND AS A POOR PERSON

Applicant, Benyethudah Whitfield, respectfully requests the Court, pursuant to Illinois [ see 735 ILCS 5/5-105] and Rule 298 of the Illinois Supreme Court, to grant (him/her) leave to (sue/defend) as a poor person; in support applicant states that the following facts are true in substance and in fact:

1. I am the (Petitioner/Respondent) in the above captioned legal proceedings.
2. I am a poor person and unable to (prosecute/defend) this action and am unable to pay the costs, fees and expenses of this action.
3. My occupation or means of subsistence:
  - (a) I am not currently employed due to my imprisonment at DIXON C.C. Correctional Center but I receive (a state stipend/nominal wages) of \$ 10.00 per month.
  - (b) The amount and source of all other income or support are:

4. My total income for the preceding year was \$ \_\_\_\_\_.
5. The sources and amount of income expected by me hereafter are:

6. The nature and current value of any property, real or personal, owned by me:
  - (a) Real Estate: NONE  
value: \_\_\_\_\_
  - (b) Motor Vehicle: NONE  
value: \_\_\_\_\_
  - (c) Cash, saving, checking, etc. NONE  
value: \_\_\_\_\_
  - (d) Prison trust account: Approx. \$-5.00 deficit  
value: \_\_\_\_\_
  - (e) Other (eg., T.V., etc.) 1 T.V. 1 Fan  
value: \$100.00

7. No applications for leave to sue or defend as a poor person were filed by me or on my behalf during the preceding year, except as follows: Presently, I have 3 Civil Rights Complaints pending in the Northern and Central Districts of Ill. For which my application for leave to sue as a poor person has been granted.
8. I believe in good faith that I have a meritorious (claim/defense).

Benyethudah Whitfield  
(Your Signature)

Type or print name Benyethudah Whitfield

Register Number: N74277

Dixon Correctional Center

Box 2600 North Brinton Ave.

Dixon, Illinois 61021

(Petitioner/Respondent), Pro Se

d\_list\_inmate\_trans\_statement\_composite

## Inmate Transaction Statement

REPORT CRITERIA - Date: 02/26/2003 thru End; Inmate: N74277; Active Status Only ? : No; Print  
 Restrictions ? : Yes; Transaction Type: All Transaction Types; Print Furloughs / Restitutions ? : Yes; Include  
 Inmate Totals ? : Yes; Print Balance Errors Only ? : No

Inmate: N74277 Whitfield, Ben

Housing Unit: DXP-XB-B -61

Date	Source	User	Transaction Type	Batch	Reference #	Description	Amount	Balance
Beginning Balance:								30.40
02/28/2003	Mail Room	50	01 Money Order, Cert or	C059250	1027595952	Maples, Jeremy	15.00	45.40
03/12/2003	Disbursements	15	81 Legal Postage	071315	Chk #45028	813031311 - DOC - Postage	-.60	44.80
03/12/2003	Disbursements	15	81 Legal Postage	071315	Chk #45028	813031313 - DOC - Postage	-1.29	43.51
03/12/2003	Disbursements	15	81 Legal Postage	071315	Chk #45028	813031304 - DOC - Postage	-.37	43.14
03/14/2003	Disbursements	15	81 Legal Postage	073315	Chk #45081	813031903 - DOC - Postage	-.60	42.54
03/14/2003	Disbursements	15	81 Legal Postage	073315	Chk #45081	813031906 - DOC - Postage	-1.06	41.48
03/20/2003	Disbursements	15	84 Library	079315	Chk #45235	843032555 - DOC - Library Copi	-1.30	40.18
03/24/2003	Disbursements	15	81 Legal Postage	083315	Chk #45402	813032835 - DOC - Postage	-.37	39.81
03/24/2003	Disbursements	15	81 Legal Postage	083315	Chk #45402	813032976 - DOC - Postage	-.37	39.44
03/31/2003	Disbursements	15	81 Legal Postage	090315	Chk #45482	813033699 - DOC - Postage	-.37	39.07
03/31/2003	Disbursements	15	81 Legal Postage	090315	Chk #45482	813033698 - DOC - Postage	-.37	38.70
03/31/2003	Disbursements	15	81 Legal Postage	090315	Chk #45482	813033708 - DOC - Postage	-.60	38.10
04/09/2003	Mail Room	50	01 Money Order, Cert or	C099250	78523398646	Whitfield, Anna	15.00	53.10
04/09/2003	Disbursements	15	84 Library	099315	Chk #45657	843029392 - DOC - Library Copi	-46.40	6.70
04/09/2003	Point of Sale	26	60 Commissary	099726	366823	Commissary	-6.67	.03
04/11/2003	Mail Room	50	01 Money Order, Cert or	C101250	1027595934	Mole, Jeremy	15.00	15.03
04/14/2003	Disbursements	15	81 Legal Postage	104315	Chk #45725	813035396 - DOC - Postage	-.37	14.66
04/14/2003	Disbursements	15	81 Legal Postage	104315	Chk #45725	813035404 - DOC - Postage	-.37	14.29
04/14/2003	Disbursements	15	81 Legal Postage	104315	Chk #45725	813035397 - DOC - Postage	-.37	13.92
04/14/2003	Payroll	15	20 Payroll Adjustment	104115		P/R month of 03/2003	10.00	23.92
04/15/2003	Disbursements	15	81 Legal Postage	105315	Chk #45730	813035665 - DOC - Postage	-.37	23.55
04/18/2003	Disbursements	15	81 Legal Postage	108315	Chk #45821	813035855 - DOC - Postage	-.37	23.18
04/21/2003	Disbursements	15	80 Postage	111315	Chk #46005	803036441 - DOC - Postage	-.37	22.81
04/22/2003	Disbursements	15	88 N74277 3:03-CV-0301	112315	Chk #46014	883036620 - Clerk, U. S. Distr	-8.14	14.67
04/24/2003	Point of Sale	26	60 Commissary	114726	369018	Commissary	-14.23	.44
04/24/2003	Disbursements	15	80 Postage	114315	Chk #46082	803036620 - DOC - Postage	-.37	.07
05/06/2003	Payroll	15	20 Payroll Adjustment	126115		Adv SMIC 2/03	9.52	9.59
05/08/2003	Point of Sale	26	60 Commissary	128726	370712	Commissary	-8.64	.95
05/08/2003	Disbursements	15	81 Legal Postage	128315	Chk #46294	813038947 - DOC - Postage	-.60	.35
05/13/2003	Disbursements	15	84 Library	133315	Chk #46330	843039402 - DOC - Library Copi	-.20	.15
05/15/2003	Payroll	15	20 Payroll Adjustment	135115		P/R month of 04/2003	10.00	10.15
05/16/2003	Disbursements	15	81 Legal Postage	136315	Chk #46376	813039900 - DOC - Postage	-.83	9.32
05/16/2003	Disbursements	15	81 Legal Postage	136315	Chk #46376	813039905 - DOC - Postage	-4.75	4.57
05/21/2003	Disbursements	15	81 Legal Postage	141315	Chk #46462	813040705 - DOC - Postage	-.37	4.20
05/22/2003	Disbursements	15	81 Legal Postage	142315	Chk #46576	813040826 - DOC - Postage	-.37	3.83
05/22/2003	Disbursements	15	81 Legal Postage	142315	Chk #46576	813040828 - DOC - Postage	-.37	3.46
05/22/2003	Disbursements	15	81 Legal Postage	142315	Chk #46576	813040827 - DOC - Postage	-.37	3.09
06/05/2003	Disbursements	51	81 Legal Postage	156351	Chk #46949	813042258 - DOC - Postage	-.37	2.72
06/05/2003	Disbursements	51	81 Legal Postage	156351	Chk #46949	813041794 - DOC - Postage	-.37	2.35
06/12/2003	Disbursements	51	84 Library	163351	Chk #47030	843043111 - DOC - Library Copi	-1.10	1.25
06/12/2003	Disbursements	51	81 Legal Postage	163351	Chk #47031	813042783 - DOC - Postage	-.60	.65
06/12/2003	Disbursements	51	81 Legal Postage	163351	Chk #47031	813042544 - DOC - Postage	-.37	.28
06/16/2003	Payroll	15	20 Payroll Adjustment	167115		P/R month of 05/2003	10.00	10.28

Time: 8:13am

Dixon Correctional Center  
Inmate Trust Fund

d\_list\_inmate\_trans\_statement\_composite

## Inmate Transaction Statement

REPORT CRITERIA - Date: 02/26/2003 thru End; Inmate: N74277; Active Status Only ? : No; Print  
 Restrictions ? : Yes; Transaction Type: All Transaction Types; Print Furloughs / Restitutions ? : Yes; Include  
 Inmate Totals ? : Yes; Print Balance Errors Only ? : No

Inmate: N74277 Whitfield, Ben

Housing Unit: DXP-XB-B -61

Date	Source	User	Transaction Type	Batch	Reference #	Description	Amount	Balance
06/18/2003	Disbursements	15	81 Legal Postage	169315	Chk #47070	813043242 - DOC - Postage	-.37	9.91
06/23/2003	Disbursements	15	81 Legal Postage	174315	Chk #47269	813044287 - DOC - Postage	-.37	9.54
06/23/2003	Disbursements	15	81 Legal Postage	174315	Chk #47269	813044288 - DOC - Postage	-.60	8.94
06/23/2003	Disbursements	15	81 Legal Postage	174315	Chk #47269	813044298 - DOC - Postage	-.60	8.34
06/23/2003	Disbursements	15	81 Legal Postage	174315	Chk #47269	813044085 - DOC - Postage	-.37	7.97
06/27/2003	Mail Room	50	01 Money Order, Cert or C	178250	06684752954	Whitfield, Anna	20.00	27.97
06/30/2003	Disbursements	15	84 Library	181315	Chk #47493	843044934 - DOC - Library Copi	-.30	27.67
06/30/2003	Disbursements	15	84 Library	181315	Chk #47493	843040468 - DOC - Library Copi	-13.00	14.67
06/30/2003	Disbursements	15	81 Legal Postage	181315	Chk #47494	813045038 - DOC - Postage	-.37	14.30
06/30/2003	Disbursements	15	81 Legal Postage	181315	Chk #47494	813045037 - DOC - Postage	-.37	13.93
06/30/2003	Disbursements	15	81 Legal Postage	181315	Chk #47494	813045039 - DOC - Postage	-.37	13.56
07/11/2003	Point of Sale	26	60 Commissary	192726	378019	Commissary	-10.75	2.81
07/15/2003	Payroll	15	20 Payroll Adjustment	196115		P/R month of 06/2003	8.16	10.97
07/16/2003	Disbursements	15	81 Legal Postage	197315	Chk #47673	814000921 - DOC - Postage	-.37	10.60
07/18/2003	Disbursements	15	84 Library	199315	Chk #47679	844001050 - DOC - Copies	-2.00	8.60
07/18/2003	Mail Room	15	01 Money Order, Cert or C	199215	6202	IBF/July 4th Winner	3.00	11.60
07/25/2003	Point of Sale	26	60 Commissary	206726	379927	Commissary	-11.19	.41
08/07/2003	Disbursements	51	81 Legal Postage	219351	Chk #48233	814003739 - DOC - Postage	-.37	.04

Total Inmate Funds: .04

Less Funds Held For Orders: .00

Less Funds Restricted: 8.79

Funds Available: -8.75

Total Furloughs: .00

Total Voluntary Restitutions: .00

## RESTRICTIONS

Invoice Date	Invoice Number	Type	Description	Vendor	Amount
07/28/2003	814002696	Disb	N74277 Legal Postage-7/28/03	3 DOC - Postage	\$1.52
07/28/2003	814002698	Disb	N74277 Legal Postage-7/28/03	3 DOC - Postage	\$2.44
07/30/2003	844003071	Disb	N74277 SD-Copies-Legal	2 DOC - Library Cop	\$0.75
08/07/2003	814003742	Disb	N74277 Legal Postage-8/7/03	3 DOC - Postage	\$0.83
08/07/2003	844003843	Disb	N74277 SD-Copies-Legal	2 DOC - Library Cop	\$0.85
08/18/2003	814004774	Disb	N74277 Legal Postage-8/18/03	3 DOC - Postage	\$0.60
08/18/2003	814004775	Disb	N74277 Legal Postage-8/18/03	3 DOC - Postage	\$0.60
08/21/2003	844005257	Disb	N74277 sd copies-legal	2 DOC - Library Cop	\$1.20

Total Restrictions: \$8.79

*Benjamin Whitfield*  
**EXHIBIT**  
 P.2 of 6A

LEE COUNTY, ILLINOIS

BENYEHUDAH WHITFIELD  
PETITIONER

v.

ROGER E. WALKER JR.,  
RESPONDENT

APPLICATION TO SUE AS A POOR PERSON

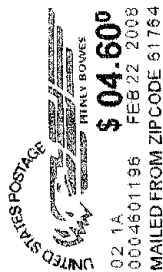
Applicant, BenYehudah Whitfield, respectfully requests the Court, Pursuant to Illinois [See 735 ILCS 5/5-105] and Rule 298 OF THE Illinois Supreme Court to grant him leave to sue as a poor person; in support applicant states the following facts are true in substance and in fact.

1. I am the petitioner in the above captioned legal proceedings.
2. I am a poor person and unable to ~~pay the cost, fees and expenses of this action~~ pay the cost, fees and expenses of this action
3. My occupation or means of subsistence
  - (a) I am not currently employed due to my imprisonment at The Pontiac Correctional Center and currently I am not receiving state stipend/nominal wages per month
  - (b) I have no other source of income or support
4. My total income for the preceding year was approx. \$50.00.

5. The Sources and Amount of income expected by me hereafter are Presently unknown
6. The Nature and Current value of any Property, real or personal, owned by me:
- (A) Real estate: None
  - (b) Motor Vehicle: None
  - (c) Cash, Checking, Saving, ect: None
  - (d) Prison Trust account: None
  - (E) Other: None
7. No application For leave To Sue as a poor person was Filed by me or on my behalf during The preceeding year, except as Follows:
- (a) Presently I have Three (3) Civil rights Complaints pending in The Northern and Central District Courts of Ill. For which my applications For leave To Sue as a poor person has been granted.
8. I believe in good Faith That I have a meritorious Claim.

Benjehudah Whitfield  
Benjehudah Whitfield  
N744277  
Pontiac Correctional Center  
P. O. Box 99  
Pontiac, Illinois ~~61764~~ 61764





THIS CORRESPONDENCE  
IS FROM AN INMATE OF  
THE ILLINOIS DEPARTMENT  
OF CORRECTIONS

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
WESTERN DIVISION  
211 South Court Street  
Rockford, Illinois 61104

LEGAL MAIL ONLY

RECEIVED

FEB 22 2008

MICHAEL J. SULLIVAN  
CLERK, U.S. DISTRICT COURT

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
WESTERN DIVISION  
211 South Court Street  
Rockford, Illinois 61104  
P.O. Box 99  
Pontiac, IL 61764